

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WESLEY ALLEN CROSS GUNS, JR.,

Defendant.

CR-20-89-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on July 17, 2024. (Doc. 69.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on July 17, 2024. (Doc. 70.) The United States accused Wesley Cross Guns (Cross Guns) of violating his

conditions of supervised release (1) violating his restriction of home confinement by purchasing alcohol at a Town Pump in Browning, Montana on July 7, 2024, and (2) failing to refrain from the consumption of alcohol on July 7, 2024. (Docs. 38 and 41.)

At the revocation hearings, Cross Guns admitted to having violated the conditions of his supervised release (1) violating his restriction of home confinement by purchasing alcohol at a Town Pump in Browning, Montana on July 7, 2024; (3) violating his restriction of home confinement by purchasing alcohol at a Town Pump in Browning, Montana on July 9, 2024; and (4) failing to refrain from the consumption of alcohol on July 9, 2024. Cross Guns' violations of allegations (1), (3) and (4) are serious and warrant revocation of his supervised release. Cross Guns denied (2) failing to refrain from the consumption of alcohol on July 7, 2024. The Government moved to dismiss allegation 2, which the Court granted. (Doc.70.)

Judge Johnston found that the violations Cross Guns admitted proves serious and warrants revocation of his supervised release and recommends a sentence of 2 months followed by 23 months of supervised release, with the first 60 days of Cross Guns' supervised release spent in an in-patient substance abuse treatment facility such as Connections Corrections. Judge Johnston also recommended that Cross Guns reside in a sober living facility such as Blue Thunder Lodge for up to 180 days as directed by his probation officer. (Doc. 69.)

The violations prove serious and warrants revocation of Cross Guns' supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 69.) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Wesley Allen Cross Guns, Jr. be sentenced to a term of custody of 2 months, followed by 23 months of supervised release. With the first 60 days of Cross Guns' supervised release, spent in an in-patient substance abuse treatment facility such as Connections Corrections. Cross Guns shall reside in a sober living facility such as Blue Thunder Lodge for up to 180 days as directed by his probation officer.

DATED this 22nd day of July, 2024.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court